

GUYANA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Cooperative Republic of Guyana is a multiparty democracy. National and regional elections were held in May, and a coalition of parties named APNU+AFC won. The largest components of that coalition were the Alliance for Change (AFC) and the People's National Congress/Reform, which constituted most of the coalition A Partnership for National Unity (APNU). Former leader of the opposition David Granger led the election coalition parties APNU+AFC into the May elections and was elected president. International and local observers considered the elections to be free, fair, and credible. Civilian authorities at times did not maintain effective control over the security forces.

The most significant human rights problems were arbitrary killings by the government or its agents; allegations of government corruption, including among police officials; and laws that discriminate against women and lesbian, gay, bisexual, transgender, and intersex persons.

Other human rights problems included lengthy pretrial detention.

There was a lack of independent and transparent procedures for handling allegations of abuses by security force members. Prosecutions when pursued were extremely lengthy, and convictions rare, leading to a widespread perception that security force members and government officials enjoyed impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were several reports the government or its agents committed arbitrary or unlawful killings during the year.

In July a member of the police antimuggling unit shot and killed Charles Caesar while attempting to arrest him. Police reported that Caesar was suspected to have smuggled illegal goods into the country and attempted to run away to avoid arrest.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices. There were reports, nonetheless, alleging mistreatment of inmates by prison officials as well as allegations of police abuse of suspects and detainees.

Prison and Detention Center Conditions

Prison and jail conditions, particularly in police holding cells, were harsh and potentially life threatening due to gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: The Guyana Prison Service reported that, as of October, there were 1,944 prisoners in five facilities with a combined design capacity of 1,640. A total of 963 prisoners were in Georgetown's Camp Street Prison, designed to hold 550 inmates. Overcrowding was in large part due to a backlog of pretrial detainees, who constituted approximately 11.3 percent of the total prison population.

The prison service offered rehabilitation programs focused on vocational training and education, but such programs did not adequately address the needs of prisoners with substance abuse problems.

Officials held offenders 16 years of age and older with the adult prison population. In most cases officials held juvenile offenders ages 15 years and younger in the New Opportunity Corps (NOC), a juvenile correctional center that offers primary education, vocational training, and basic medical care. It was reported in April, however, that a 15-year-old girl was ordered by the court to be placed in the NOC, but instead she was held for weeks in a detention center at a police station and was subsequently sexually assaulted by a male constable.

Administration: No information was available about the adequacy of prison recordkeeping or the extent to which authorities used alternatives to sentencing for nonviolent offenders. Prisoners often circumvented procedures for submitting complaints by passing letters addressed to government officials through family members. The government investigated and monitored prison and detention center conditions.

Independent Monitoring: Prison visiting committees prepared monthly reports on the Georgetown, Mazaruni, New Amsterdam, and Timehri prisons. There was no indication that the government declined to permit outside groups to monitor prison conditions independently, but there were no requests to make such visits during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The police commissioner heads the Guyana Police Force (GPF), which reports to the Ministry of National Security and is responsible for maintaining internal security. The Guyana Defense Force is responsible for external security but also has some domestic security responsibilities. The defense force, headed by a chief of staff, falls under the purview of the Defense Board, which the president chairs.

Inadequate training, poor equipment, and acute budgetary constraints severely limited the GPF's effectiveness. There were reports of corruption in the police force. Authorities charged and brought to court 23 GPF members for various crimes, including robbery, simple larceny, bribery, and indecent assault. Other cited police abuses were neglect of duties, unlawful arrest, and unnecessary use of force. According to the Caribbean Development Report commissioned by the UN Development Program, public confidence in the police force was very low.

Complaints against police abuses are submitted to the Police Complaints Authority (PCA). The PCA is mandated to conduct impartial and transparent investigations and assessments of the complaints it receives. The PCA has four nonpolice investigators, but investigations were slow. Long delays in receiving reports from the commissioner also thwarted the complaints process. As of October there were 196 cases awaiting the recommendations of the PCA. By law the police commissioner must comply with the PCA's recommendations on complaints. There is also an Office of Professional Responsibility (OPR), staffed by uniformed policemen/women who investigate complaints against their colleagues. As of October the OPR had received 505 complaints of police abuses, of which 296 were investigated. Lower magistrate's courts, where specially trained police officers served as the prosecutors, heard most cases involving charges against police officers.

In 2012, the latest year for available data, the PCA received 700 complaints, 106 of which were sent from the commissioner of police. Most cited police neglect of duties, unlawful arrest, and unnecessary use of force. The PCA recommended disciplinary action in 70 of those cases and criminal charges in five others. At the end of 2012, 91 cases were outstanding.

Lack of an investigative unit hampered the PCA's efforts to conduct impartial and transparent assessments of the complaints it received. As of 2013 the PCA had a staff of six full-time positions and requested that an additional position be created to handle statement records. By law the police commissioner must comply with the PCA's recommendations on complaints, but the PCA relied on the GPF to conduct investigations into complaints against its own officers.

Arrest Procedures and Treatment of Detainees

An arrest requires a warrant issued by a court official unless an officer who witnesses a crime believes there is good cause to suspect a crime or a breach of the peace has been or will be committed. The law requires that a person arrested cannot be held for more than 72 hours unless brought before a court to be charged; authorities generally observed this requirement. Bail was generally available, except in cases of capital offenses and narcotics trafficking.

Although the law provides criminal detainees prompt access to a lawyer of their choice and to family members, authorities occasionally did not fully respect these rights. The state provides legal counsel for indigent persons only when such persons are charged with a capital offense. The Legal Aid Clinic, a nongovernmental organization (NGO), provides legal counsel at a reduced fee in certain circumstances, as determined by the clinic. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client.

Pretrial Detention: Lengthy pretrial detention remained a problem, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures. Pretrial detainees constituted 11.3 percent of the prison and detainee population. The average length of pretrial detention was three years for those awaiting trial at a magistrate's court or in the High Court. Although precinct jails were to serve only as pretrial holding areas, authorities detained some suspects there for as long as two years while they awaited judicial action.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence.

Delays and inefficiencies undermined judicial due process. Shortages of trained court personnel, inadequate resources, postponements at the request of the defense or prosecution, occasional allegations of bribery, poor tracking of cases, and police sluggishness in preparing cases for trial caused delays.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, and defendants enjoy a presumption of innocence. Cases in magistrate's courts are tried without jury. Cases involving more serious crimes are tried by jury in the High Court. The constitution provides that a person shall be informed in detail of the nature of the offense charged as soon as reasonably practicable. The constitution also provides for persons charged with a criminal offense to be given adequate time and facilities for the preparation of a defense. Authorities routinely granted trial postponements to both the defense and the prosecution. Defendants can confront adverse witnesses, present their own witnesses and evidence, and have access to relevant government-held evidence. Defendants have the right to appeal. The law extends these rights to all citizens.

While the law recognizes the right to legal counsel, it was limited to those who could afford to pay, except in cases involving capital crimes. Although there is no public defender system, a defendant in a murder case that reaches the High Court receives a court-appointed attorney. The Georgetown Legal Aid Clinic, with government and private support, provided advice to persons who could not afford a lawyer, particularly victims of domestic violence and violence against women.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, and the government generally respected this provision. Individuals can access the court system to initiate lawsuits seeking damages for, or cessation of, some human rights violations. The magistrate's courts deal with both criminal and civil matters. Delays, inefficiencies, and alleged corruption in the magistrate court system affected the ability of citizens to seek timely remedies in civil matters, and there was a large backlog of civil cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally prohibits such actions, and there were no reports that the government failed to respect these prohibitions. The law allows for the interception of communications through a warrant issued by a judge, with exceptions for national emergency or where approval for a warrant is impracticable due to the urgency of the matter.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights.

Censorship or Content Restrictions: In August the prime minister issued a directive that all headlines in the state-owned print media be first scrutinized and approved by his office before they are published. The directive was a response to a headline criticizing the government. The prime minister also serves as minister of information.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 33 percent of citizens used the internet in 2013.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. There were no known requests for assistance during the year.

In-country Movement: The Amerindian Act requires that local village councils grant permission in advance for travel to Amerindian areas, but most individuals traveled in these areas without a permit.

Protection of Refugees

Access to Asylum: The government has not established a system for providing protection to refugees or asylum seekers and reportedly did not grant status to any person during the year. In the absence of national legislation and requisite government capacity, UNHCR assumed the main responsibility for the determination of refugee status.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised this right. Local government elections, which the law provides be held every three

years, have not been held since 1994. Elections also take place within Amerindian communities, where members elect Amerindian leaders every 33 to 36 months.

Elections and Political Participation

Recent Elections: National and regional elections were held in May. A coalition of parties formed by A Partnership for National Unity (APNU) and the Alliance for Change (AFC) won by a slim margin against the People's Progressive Party (PPP/C). The coalition leader and former opposition leader Brigadier David Granger became president. The general elections resulted in the first change in ruling party in 23 years. International observers concluded that the elections were free, fair, and credible. International observers recommended the holding of local government elections as soon as possible.

Participation of Women and Minorities: The constitution requires that one-third of each party list of electoral candidates be women but does not require the parties to choose women for seats. Parties selected 16 female representatives for the 65-seat National Assembly, and President Granger named two women to his 16-member cabinet. There were no laws preventing women or members of minorities from voting, running for office, serving as electoral monitors, or otherwise participating in political life on the same basis as men or nonminority citizens.

While supporters of the two major parties (the PPP/C and A Partnership for National Unity) were drawn largely from the Indo-Guyanese and Afro-Guyanese communities, respectively, political party leadership was more diverse. The cabinet is also ethnically diverse, mirroring the ethnic makeup of the general population. Four cabinet members are Indo-Guyanese, including the prime minister. The ethnically diverse National Assembly included several indigenous members. There were also two indigenous cabinet ministers.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year and the current administration has responded to these reports. There remained a widespread public perception of corruption involving officials at all levels, including the police and the judiciary.

Financial Disclosure: Although the law requires public officials to declare their assets to an Integrity Commission, the commission has not been constituted. In

2012, the then prime minister stated that members would soon be appointed to this commission. Members were not appointed, however, and the commission remained inoperative.

The law sets out both criminal and administrative sanctions for nondisclosure. If a person fails to file a declaration, that fact can be published in the daily newspapers and the official *Gazette*. Failure to comply with the law can lead to a summary conviction, fines, and imprisonment for six to 12 months. If property is not disclosed as it should have been, the magistrate convicting the defendant must order the defendant to make a full disclosure within a set time. No such publication or convictions occurred during the year.

Public Access to Information: The law provides for persons to secure access to information under the control of public authorities and for the appointment of a commissioner of information. In 2013 the government appointed a commissioner, but the government has not issued implementing regulations. Requests to the commissioner were infrequent.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. These groups at times complained that government officials were uncooperative and unresponsive to their requests, and when they did respond it was generally to criticize rather than to investigate allegations.

Government Human Rights Bodies: The law provides for an ombudsperson to investigate official government actions or actions taken by government officials in exercise of their official duties. A new ombudsman took up duties in January 2014 after an eight-year vacancy of that office.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, sex, political opinion, disability, language, social status, religion, or national origin or citizenship, and the government effectively enforced these provisions. The law does not prohibit discrimination based on HIV status or other communicable disease. There is no constitutional protection against discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape. Successful prosecution of cases of rape was infrequent. Based on media reports and commentary from NGOs, a high incidence of rape and sexual assault was not reflected in official statistics. Many survivors did not report rape and other forms of sexual assault to authorities, presumably due to fear of stigma, a lack of confidence in authorities, retribution, or further violence.

Authorities received 233 reports of rape and charged 36 persons. There was a large court backlog. A judge has discretion to issue a sentence of any length in a rape conviction, depending upon the circumstances and severity of the act committed. The norm appeared to be a sentence of five to 10 years' imprisonment.

Domestic violence and violence against women, including spousal abuse, was widespread. The law prohibits domestic violence and allows victims to seek prompt protection, occupation, or tenancy orders from a magistrate. The police received 2,170 reports of domestic violence cases, and 1,131 persons were charged. Penalties for violation of protection orders include fines up to 10,000 Guyanese dollars (GYD) (\$50) and 12 months' imprisonment. Survivors frequently were unwilling to press charges due to a lack of confidence in obtaining a remedy through the courts. Some preferred to reach a pecuniary settlement out of court. There were reports of police accepting bribes from perpetrators and other reports of magistrates applying inadequate sentences after conviction.

According to an NGO, police units were required to have domestic violence units where victims could be counseled in private. The NGO observed that in most cases domestic violence reports were not taken confidentially but rather were discussed in the open at police stations and were not treated as a matter of urgency. The NGO handled cases of abuse and violence, including child, spousal, and other domestic abuse, and provided psychosocial services to those victims.

The government and private donors funded Help & Shelter, an NGO, to run a free shelter for victims of domestic violence and operate a hotline to counsel victims. The Help & Shelter also conducted awareness sessions to sensitize individuals about domestic violence and counseled persons affected by domestic abuse or violence during face-to-face counseling sessions and via the hotline.

Sexual Harassment: The law prohibits sexual harassment and provides for monetary penalties and award of damages to victims, but the law's scope is confined to the workplace. For instance, the law does not cover harassment in schools. Acts of sexual harassment involving physical assault are prosecuted under relevant criminal statutes. While reports of sexual harassment were common, no cases were filed. Charges of sexual harassment often were settled out of court.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. Women had access to emergency health care, including services for the management of complications arising from abortion. Nevertheless, the UN Population Fund reported a modern contraception use of 40 percent and a maternal mortality ratio of 250 deaths per 100,000 live births. The media highlighted cases where nurses ignored family members' complaints about lack of prompt attention, leading in some cases to sickness or death.

Discrimination: Although women enjoy the same legal status and rights as men with regard to family, labor, nationality, and inheritance laws, gender-related discrimination was widespread and deeply ingrained. The law prohibits discrimination based on gender, but there was no meaningful enforcement against such discrimination in the workplace. As of 2014 only 44 percent of women were in the workforce, compared with 83 percent of men. Job vacancy notices routinely specified that the employer sought only male or only female applicants, and women earned approximately 61 percent less than men for equal work.

In August three members of the law enforcement department of the city council of Georgetown were dismissed for becoming pregnant. This department's rules prohibit a female constable from becoming pregnant within her first two years of employment with the department. Following public outcry, the government acknowledged that the policy was discriminatory, and the constables were reinstated.

The Women's Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment-related services. The bureau also held seminars on leadership and gender equity problems for women throughout the country. The constitution provides for a Women and Gender Equality Commission to draw attention to problems that affect the development of women. The commission engaged in a countrywide dialogue and met with

regional representatives, stakeholders, government officials, and residents to listen to the concerns of women to plan more effectively and implement policy at the national level. The law protects women's property rights in common-law marriages. It entitles a woman who separates or divorces to one-half of the couple's property if she had regular employment during the marriage and one-third of the property if she had not been employed. Women's property rights were generally observed.

Children

Birth Registration: Citizenship is derived by birth within the country's territory or by birth to a Guyanese citizen abroad. The law requires that births be registered within 14 days but also provides for registration of births after the 14-day period. In practice births at hospitals and health facilities were registered within a day of delivery.

Child Abuse: There were frequent reports of physical and sexual abuse of children, which was a widespread and serious problem. There were 18 cases of child abuse reported to the authorities. Law enforcement officials and NGOs believed the vast majority of child rape and criminal child abuse cases were not reported. As with cases of domestic abuse, NGOs reported that some police officers and magistrates could be bribed to make cases of child abuse "go away." The Child Care and Protection Agency operated a hotline to take calls regarding suspected abuse of children. In 2012, the most recent data available, the agency received more than 4,100 child abuse reports, involving neglect, sexual abuse, physical abuse, verbal abuse, child custody, teenage pregnancy, and delinquency.

Early and Forced Marriage: The legal age for marriage is 18 years, but boys and girls may marry at 16 years of age with parental consent or judicial authority. December 2013 data from the UN Children's Fund reported that 23 percent of women were married before the age of 18 years.

Sexual Exploitation of Children: The age of sexual consent is 16 years. By law, anyone who has sexual relations with a child under 16 years old may be found guilty of a felony and imprisoned for life. There were reports of child prostitution, although there were no indications the country was a destination for child sex tourism. There is no specific legal prohibition of child pornography, but the law prohibits the commercial sexual exploitation of children ages 18 years and younger. The law also regulates selling, publishing, or exhibiting obscene

material, defined as anything that could deprave or corrupt those open to immoral influences.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see the Department of State's report at travel.state.gov/content/childabduction/english/country/Guyana.html.

Anti-Semitism

The Jewish community was very small, perhaps fewer than 50 members. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution mandates that the state "take legislative and other measures" designed to protect disadvantaged persons and persons with disabilities. The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, but civil society groups stated the law was not fully enforced. The law provides for a National Commission on Disabilities (NCD) to advise the government, coordinate actions on problems affecting persons with disabilities, and implement and monitor the law. The NCD focused its attention on sensitizing the public about the law and on compliance, as well as performing sensitization workshops with the Ministries of Labor, Human Services and Social Security, Education, and Health.

There were segregated schools for the blind and segregated schools for persons with other disabilities in regions four and six, the most populous regions of the country. Children with disabilities rarely attend mainstream schools, as these lacked the curriculum and infrastructure necessary to accommodate children with disabilities. Lack of appropriate transportation and infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The NCD received very few complaints of discrimination.

Indigenous People

Various laws protect the rights of the Amerindian community, and members have some ability to participate in decisions affecting them, their land, and resources. Rules enacted by village councils require approval from the minister of indigenous people's affairs before entering into force. By law persons wishing to enter indigenous lands must obtain prior permission from the local village council, but most visitors traveled in these areas without a permit.

According to the most recent available data, the indigenous population constituted 9 percent of the total population. There were nine recognized tribal groups. Ninety percent of indigenous communities were in the remote interior. Indigenous communities' standard of living was lower than that of most citizens, and they had limited access to education and health care. Little reliable data existed regarding the situation of women and girls in indigenous communities, although indigenous women tended to face three-fold discrimination and vulnerability on the basis of gender, ethnicity, and reduced economic status. All indigenous communities had primary schools, and as of 2012, there were 13 secondary schools in remote regions. The secondary schools had dormitories that housed students at government expense. Government programs trained health workers, who staffed rudimentary health facilities in most communities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex activity between adult men is illegal under the law and is punishable by up to two years in prison. Anal intercourse is punishable with a maximum sentence of life in prison, regardless of whether the intercourse is between persons of the same sex. Activists reported that it was more common for police to use the law to intimidate men who were gay or perceived to be gay than to make arrests. There are no laws concerning same-sex sexual activity between women. The law also criminalizes cross-dressing. In October a male domestic worker was convicted for cross-dressing.

No antidiscrimination legislation exists to protect persons from discrimination based on real or perceived sexual orientation or gender identity.

NGOs reported widespread discrimination of persons based on their real or perceived sexual orientation or gender identity. Reports noted discrimination in employment, access to education and medical care, and in other public settings

(see section 7.d.). A 2012 report noted that lesbian, gay, bisexual, transgender, and intersex persons were fearful of reporting crimes committed against them because they believed or were told charges would also be brought against them because of their sexual orientation or gender identity.

HIV and AIDS Social Stigma

In the most recent demographic and health survey (2009), 45 percent of women and 38 percent of men reported discriminatory attitudes towards those with HIV. The government reported that stigma and discrimination towards persons with HIV/AIDS were prevalent in the workplace and health-care facilities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of association and allows workers to form and join trade unions, bargain collectively, and conduct legal strikes. The law bars military and paramilitary members from forming a union or associating with any established union. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers fired for union activity. The labor laws cover all categories of employees, including foreign migrant workers.

The Ministry of Social Protection is required to certify all collective bargaining agreements, and there were no reports it refused to certify any agreements. Individual unions directly negotiate collective bargaining status.

The government may declare strikes illegal if the union leadership does not approve them or if the union did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide a one-month notice to the Ministry of State's Department of the Public Service and leave a skeleton staff in place. The International Labor Organization noted that not all sectors deemed essential by the government were considered essential under international definitions, including the services provided by the Transport and Harbors Department and the National Drainage and Irrigation Board. Arbitration is compulsory for public employees, and such employees engaging in illegal strikes are subject to sanctions or imprisonment.

The government occasionally enforced applicable laws but did not do so effectively. Penalties for violation of labor laws were small fines, ranging from

6,000 GYD (\$30) to 46,000 GYD (\$230). Such penalties were insufficient to deter violations and frequently were not imposed. Administrative and judicial proceedings regarding violations often were subject to lengthy delays and appeals.

Some public sector employee unions continued to allege antiunion discrimination by the government, asserting that the government violated worker rights and did not effectively enforce its laws. The unions were concerned that employers used hiring practices such as contract labor and temporary workers to avoid hiring workers with bargaining rights.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government in general did not effectively enforce the law. Resources to inspect and monitor labor conditions were inadequate. Penalties for forced labor under trafficking in persons laws included forfeiture of property gained as a result of the forced labor, restitution to the victim, and imprisonment for three to five years. In September the government sentenced an employer for the forced labor and sexual exploitation an employee and ordered restitution be paid to that employee. Administrative labor law penalties were small monetary fines, insufficient to deter violations, and rarely enforced.

Country experts reported that forced and compulsory labor occurred in the mining, agriculture, and forestry sectors, in addition to domestic servitude. Children were particularly vulnerable to forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children younger than 15 years old, with some exceptions. Technical schools may employ children as young as 14 years old provided a competent authority approves and supervises such work. No person under 18 years old may be employed in industrial work at night. Exceptions are for those ages 16 and 17 years whose work requires continuity through day and night, including certain gold-mining processes and the production of iron, steel, glass, paper, and raw sugar. The law permits children under 15 years old to be employed only in enterprises in which members of the same family are also employed. The law prohibits children under 15 years old from working in

factories and stipulates that those under the age of 18 years may be removed from factory work if authorities determine they are engaged in activities hazardous to their health or safety.

The government did not enforce existing laws effectively. The Ministry of Social Protection collaborated with the Ministry of Education, the Geology and Mines Commission, the Guyana Forestry Commission, the National Insurance Scheme, and the GPF to enforce child labor laws. The court can issue a fine of 10,000 GYD (\$50) for the first violation of laws regarding child labor and 15,000 GYD (\$75) for subsequent offenses. As of 2013, the latest year for available data, authorities had not assessed fines or penalties, nor did they charge any employers with violations related to child labor.

Child labor occurred during the year and was most prevalent in family-based businesses, farming, bars and restaurants, domestic work, and street vending. Small numbers of children also performed hazardous work in the construction, logging, farming, fishing, manufacturing, and mining industries. NGOs reported incidences of the worst forms of child labor occurred, mainly in gold mining, prostitution, and forced labor activities including domestic servitude. According to local NGOs, children who worked in gold mines operated dangerous mining equipment and were exposed to hazardous chemicals, including mercury.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination with respect to employment and occupation based on race, sex, gender, disability, language, social status, and national origin or citizenship. The government did not effectively enforce the law. The law does not prohibit discrimination based on sexual orientation or gender identity. Discrimination in employment and occupation occurred with respect to women and to persons based on their sexual orientation or gender identity (see section 6).

e. Acceptable Conditions of Work

Wages for regular working hours of all full-time, private sector employee are set nationally for hourly, daily, weekly, and monthly workers at no less than 202 GYD (\$1) per hour; 1,616 GYD (\$8) per day; 8,080 GYD (\$40) per week; or 35,000 GYD (\$175) per month. A normal workweek is 40 hours distributed over no more

than five days per week. The law prohibits compulsory overtime, and overtime work must be paid according to rates set in the law or according to any collective bargaining agreement in force where workers are unionized. The law provides for paid annual holidays and establishes workplace safety and health standards. These standards are current and appropriate for the country's main industries and are effectively enforced. As of August, 18 employers were charged for unsafe and/or unhealthy workplace practices.

The law provides that some categories of workers have the right to remove themselves from unsafe work environments without jeopardizing their employment, and authorities effectively protected employees in these situations.

The Ministry of Social Protection is charged with enforcement of labor law and had 10 inspectors as of 2012, the latest year for available data. Labor inspections carried out during the year identified occupational safety and health problems. Ministry follow-up of labor inspection findings varied, and compliance among employers was also inconsistent. Penalties for violations ranged from 15,000 GYD (\$75) to 46,600 (\$230) and generally were not sufficient to deter violations.

According to local trade unions and NGOs, enforcement of minimum wage legislation was not effective. Although specific data were unavailable, a significant number of workers were employed in the informal economy. Unorganized workers, particularly women in the informal sector, were often paid less than the minimum wage. Local trade unions and NGOs also reported the Ministry of Social Protection (new name of former Ministry of Labor) did not adequately enforce occupational safety and health legislation and that resources were insufficient. In 2013, the latest year for available data, the ministry reported 486 workplace accidents, of which 10 were fatal, including five in manufacturing and three in the bauxite sector.